

## REMARKS

Claims 1-17, and 19-20 are pending in the application. Claims 1, 4, and 14 are independent. In the present paper, claims 1, 4, and 14 have been amended and claim 18 has been canceled. These changes are believed to introduce no new matter and their entry is respectfully requested.

### Rejection of Claims 1-8, 11-15, and 17-20 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 1-8, 11-15, and 17-20 under 35 U.S.C. §103(a) as being obvious over U.S. Patent Publication No. 2003/0088655 to Leigh et al. (hereinafter "*Leigh*") in view of U.S. Patent No. 7,343,441 to Chrysanthakopoulos (hereinafter "*Chrys*"). Applicants respectfully traverse the rejection.

To establish a *prima facie* case of obviousness, the Examiner must show that the cited references teach each and every element of the claimed invention. (MPEP §2143 *citing In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was independently known in the prior art. *KSR Int'l C. v. Teleflex, Inc.*, No 04-1350 (U.S. Apr. 30, 2007). If a combination or modification to a reference is used, an Examiner must show that there is some expectation of success that the combination or modification proffered would predictably result in the claimed invention. Obviousness is a question of law based on underlying factual inquiries. The factual inquiries enunciated by the U.S. Supreme Court in *KSR* include the *Graham* factors of determining the scope and content of the prior art, ascertaining the differences between the claimed invention and the prior art, and resolving the level of ordinary skill in the pertinent art.

Once the *Graham* factual inquiries are resolved, the Examiner must explain the reasoning that provides a nexus between the factual findings and the legal conclusion of obviousness. The rationale used must be a permissible rationale. The USPTO promulgated Examination Guidelines for Determining Obviousness in View of *KSR* in the Federal Register, Vol. 72, No. 195 (October 10, 2007). These *KSR* Guidelines enumerate permissible rationales and the findings of fact that must be made under the particular rationale. Applicants respectfully note that no matter which rationale is used, the burden still remains on the Examiner to demonstrate each prong of the

*three-part test*: (1) that each and every element is taught; (2) that one skilled in the art could have combined the references; and (3) that there is predictability/expectation of success.

Applicants respectfully submit that the combination of *Leigh* and *Chrys fails to disclose each and every element* of the claimed invention. Embodiments of the claimed invention are directed to OS Agnostic Resource Sharing Across Multiple Servers. The independent claims recite using firmware on one server blade to access a resource hosted by another server blade. Each server blade utilizes its own firmware to communicate with each other to get the task accomplished. The firmware used implements an Extensible Firmware Interface (EFI) framework. The EFI on one server blade is used to communicate with the EFI on other server blades. Representative claim 1 recites in pertinent part “wherein the first and second firmware utilize an Extensible Firmware Interface (EFI) framework to perform the method for sharing an input device across the plurality of computing platforms framework to perform the method for sharing an input device across the plurality of computing platforms.”

In the Office Action, the Examiner states that *Leigh* discloses sharing an input device across a plurality of server blades, comprising routing input data generated at a first server blade to a second server blade, said input data generated in response to receiving an input signal produced by an input device coupled to a first server blade, and providing the input data to an operating system running on the second server blade. The Examiner concedes that *Leigh* fails to disclose “wherein routing input data to the first and second server blades and providing the input data to the operating system are performed via a first firmware and a second firmware on the first and second server blades, respectively.” The Examiner argues that “since Leigh disclosed a KVM interface card daisy-chained with respect to the same way as the LMC controllers, it would have been obvious ... that Leigh would utilize the LMC in such a way like the KVM for a hardware input device connected to a KVM/LMC to talk to an operating system or software of any kind to utilize firmware to identify and initialize system components.” The Examiner argues further that *Chrys* “discloses a basic input/output system (BIOS) (or other firmware model, such as the so called Extensible Firmware Interface) containing the basic routines that help to transfer information between elements within the computer 100.” Applicants respectfully disagree.

First, Applicants respectfully submit that the Examiner should support the assertion that a basic input/output system (BIOS) is equivalent to Extensible Firmware Interface. Applicants respectfully submit that the Examiner has provided no such evidence of equivalence. As such, at this stage in the Examiner's analysis this element is missing in the combination of *Leigh* in view of *Chrys*.

Applicants respectfully submit that *Leigh* in view of *Chrys* fails to disclose a "wherein routing input data produced at the first server blade to the second server blade and providing the input data to the operating system running on the second server blade are performed via a first firmware and a second firmware on the first and second server blades, respectively, wherein the first and second firmware utilize an Extensible Firmware Interface (EFI) framework to perform" the operations recited in the claims. There is no indication that *Leigh* in view of *Chrys* discloses this element.

Applicants respectfully submit further that the Examiner has not shown **how** combining *Leigh* with *Chrys* would result in the claimed invention. In other words, the Examiner has not shown how there is an **expectation of success** that *Leigh* combined with *Chrys* would result in the claimed invention. For example, the Examiner acknowledges that *Chrys* discloses a "basic input/output system (BIOS) 160 (or other firmware model, such as the so-called Extensible Firmware Interface; collectively referred to as platform firmware) containing the basic routines that help to transfer information between elements **within the computer 100**, such as during start-up, is stored in ROM 140" (emphasis added). Applicants respectfully submit that there is nothing in this or any other portion of *Chrys* that remotely indicates that the BIOS 160 does anything other than communicate with components **in its own platform**. Nothing in *Chrys* gives a person of ordinary skill any idea of **how to re-design** BIOS 160, which is designed only to communicate with its own components, **or design** an EFI interface **to communicate across multiple platforms**. Nor is there any disclosure in *Leigh* to help with the necessary re-design process. Thus the combination of *Leigh* in view of *Chrys* fails to render the claims obvious.

Applicants respectfully submit that because *Leigh* in view of *Chrys* fails to disclose each and every element of claims 1, 4, and/or 14, claims 1, 4, and 14 are patentable over *Leigh* in view

of *Chrys*. Alternatively, Applicants respectfully submit that because the Examiner has failed to demonstrate how combining *Leigh* with *Chrys* would result in claims 1, 4, and/or 14, claims 1, 4, and 14 are patentable over *Leigh* in view of *Chrys*.

Claim 18 has been canceled, rendering the rejection to it moot. Claims 2-3 and 5-8 properly depend from claim 1 and are thus patentable for at least the same reasons that claim 1 is patentable. Claims 11-13 properly depend from claim 4 and are thus patentable for at least the same reasons that claim 4 is patentable. Claim 17 and 19-20 properly depend from claim 14 and is thus patentable for at least the same reasons that claim 14 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 1-8, 11-15, and 17-20.

Rejection of Claims 9-10, and 16 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 9-10 under 35 U.S.C. §103(a) as being obvious over *Leigh* in view of *Chrys* in further view of U.S. Patent Publication No. US 2004/0128562 to Bigelow et al. (hereinafter “*Bigelow*”) and claim 16 over *Leigh* in view of *Chrys* in further view of U.S. Patent No. 7,114,180 to DeCaprio (hereinafter “*DeCaprio*”). Applicants respectfully traverse the rejection.

Claims 9-10 properly depend from claim 4 and are thus patentable for at least the same reasons that claim 4 is patentable. Claim 16 properly depends from claim 14 and is thus patentable for at least the same reasons that claim 14 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 9-10 and 16.

## CONCLUSION

Applicants respectfully submit that all grounds for rejection have been properly traversed, accommodated, or rendered moot and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

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